

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, ) Case 1:15-cr-00264  
)  
Plaintiff, )  
)  
v. ) Alexandria, Virginia  
) December 18, 2015  
EDWIN KEITH McMEANS, ) 9:11 a.m.  
)  
Defendant. )  
) Pages 1 - 25

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TRANSCRIPT OF SENTENCING

BEFORE THE HONORABLE ANTHONY J. TRENGA

UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

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THE DEFENDANT, EDWIN KEITH McMEANS, IN PERSON

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 THE CLERK: Criminal Case 1:15-cr-264, *United*  
2 *States of America v. Edwin Keith McMeans*.

3 MR. STOJILKOVIC: Good morning, Your Honor.  
4 Kosta Stojilkovic on behalf of the United States.

5 MR. HUNDLEY: Good morning, Your Honor. Jim  
6 Hundley on behalf of Keith McMeans, who is present at  
7 counsel table.

8 THE COURT: Good morning. We're here for  
9 sentencing.

10 Mr. Hundley, have you provided a copy of the  
11 presentence report and reviewed it with Mr. McMeans?

12 MR. HUNDLEY: Yes, Your Honor, I have.

13 THE COURT: Any objections to it?

14 MR. HUNDLEY: No objections or corrections to  
15 the presentence report at this time, Your Honor.

16 THE COURT: All right. Thank you.

17 Mr. Stojilkovic, any objections to the  
18 presentence report?

19 MR. STOJILKOVIC: No, Your Honor.

20 THE COURT: All right. Does the government  
21 want to be heard on the sentencing factors?

22 MR. STOJILKOVIC: Briefly, Your Honor. As we  
23 state in our position -- and the Court is familiar with  
24 this investigation through a number of prior  
25 defendants -- what we tried to do here was to come up

1 with a sentencing recommendation, a joint sentencing  
2 recommendation that considered the sentences already  
3 imposed on other defendants to try to situate this  
4 defendant.

5           Just the critical facts in the government's  
6 view: Number one, this defendant was aware and  
7 approved at times of the conduct, kind of the full  
8 range of the conduct in the scheme, that is, not only  
9 the submission of the rigged bids. He was aware that  
10 Codefendant Bilby was drafting internal documents for  
11 the government procurement process, that he was  
12 obtaining internal documents from the government's  
13 side. And critically, this defendant was aware and, in  
14 fact, issued the approval for the 10 percent kickback  
15 to Codefendant Ellis. So those are facts that, in our  
16 view, place him closer to Bilby and Ellis than to Flynn  
17 and Rivera, the other two defendants who received the  
18 lower sentences.

19           At the same time, I would say while this  
20 defendant was Bilby's supervisor and while this  
21 defendant had an ownership interest in the companies,  
22 unlike Defendant Bilby, he was throughout the conduct  
23 more passively involved than Bilby was. He would  
24 become involved at times. He would issue approvals.  
25 He was briefed, but he was not involved in a day-to-day

1 or week-to-week basis in all of the conduct like Bilby  
2 was.

3           He did make less money than Bilby from the  
4 conduct. As reflected in the forfeiture, Bilby made  
5 about a million dollars on a commission basis. This  
6 defendant, based on his ownership interest, made about  
7 \$320,000, more comparable to what Defendant Ellis made.

8           The final point I would make: We also did  
9 consider -- both Bilby and Ellis ultimately got  
10 sentencing reductions for their cooperation. There is  
11 no cooperation aspect to this plea agreement. We had  
12 approached this defendant over two years ago with a  
13 plea of cooperation deal. There was never any real  
14 interest on the other side to cooperate, and that's the  
15 defendant's decision. We do believe that there was  
16 knowledge of these facts among the other principals of  
17 Companies K and T, and that's something we certainly  
18 would have wanted to explore.

19           But as we situate this defendant in light of  
20 all of those facts, we think a sentence that would be  
21 slightly less than what Bilby and Ellis received but  
22 more than their ultimate sentence after reduction would  
23 be appropriate. That is why we recommend the 8-month  
24 sentence.

25           We also have a consent order of forfeiture

1 that I believe has been signed by the parties.

2 THE COURT: All right. Thank you.

3 (Documents are passed up to the Court.)

4 THE COURT: Mr. Hundley.

5 MR. HUNDLEY: Yes. Thank you, Your Honor.

6 Your Honor, before I begin my argument, I did  
7 want to introduce to the Court the family members of  
8 Mr. McMeans who are here. His wife, Peri McMeans, is  
9 here; his parents, Kerryyn and Edwin McMeans; as well as  
10 Mrs. McMeans' parents, Shelly and Tom Rockwall  
11 (phonetic) presently seated in front. There are also  
12 numerous friends and family here supporting  
13 Mr. McMeans.

14 The McMeans also wanted me to thank you for  
15 continuing this matter and let you know that their son  
16 has fully recovered and is back in school and doing  
17 well.

18 Your Honor, Mr. McMeans is the fifth member  
19 of this conspiracy to come before this Court. Your  
20 Honor, I do believe, based on my conversations with the  
21 government, that he will be the last.

22 I hope that my memo has sufficiently  
23 explained Mr. McMeans' role as general manager at  
24 ThunderCat and how ThunderCat, as a qualified set-aside  
25 company or reseller, conducted its business, and I

1 think, most importantly, how all of those sort of  
2 variables and pressures that were at work in the  
3 competitive environment that ThunderCat was operating  
4 in coalesced to bring Mr. McMeans into this conspiracy.

5           There are a couple of points that the  
6 government has raised in their memo, as well as today,  
7 that I just wanted to touch on, Your Honor:

8           They have mentioned Mr. McMeans' decision not  
9 to cooperate. In the memo, it's mentioned in  
10 conjunction with the sentences that the other  
11 defendants who did cooperate received, and they  
12 received reduced sentences for their cooperation.

13           So to the extent that it's comparing that  
14 point, cooperation is a mitigating factor. I think  
15 it's a fair point. I believe it's settled matter of  
16 law that a defendant's decision not to cooperate is not  
17 to be considered by the Court as an aggravating factor.  
18 I don't believe the government meant it to be presented  
19 to the Court in that way, and I'd certainly ask the  
20 Court not to take it that way.

21           Your Honor, there's also a reference in the  
22 memo that it was Mr. McMeans who introduced Mr. Bilby  
23 to Mr. Flynn in 2007. I don't know the source of that  
24 information to the government, but it was not  
25 Mr. McMeans who made that introduction. In 2007, Knife

1 Point was just at its very beginning, and Mr. McMeans  
2 didn't have any connections with the folks at Four  
3 Points, Mr. Flynn's company. Those contacts belonged  
4 to other people in the company. So it couldn't have  
5 been Mr. McMeans who introduced Mr. Bilby. He didn't  
6 even really know Mr. Bilby until 2007. Mr. Bilby was  
7 one of the company's first hires.

8           It's a somewhat small point, but I raise it  
9 because I think it's important in determining what's a  
10 fair sentence in this case. I believe Mr. McMeans'  
11 lack of knowledge about government contracting when he  
12 first began at Knife Point and even at ThunderCat is  
13 important in showing how he was drawn into this  
14 conspiracy.

15           He didn't originate the third bid, loser bid  
16 process. He didn't encourage Mr. Bilby to do it. He  
17 didn't really even sort of manage in the classical  
18 sense. Mr. Bilby -- he was his supervisor, but  
19 Mr. Bilby was brought in because of his expertise in  
20 government contracting. They relied on him for his  
21 expertise. I think that's shown by the fact that  
22 Mr. Bilby wouldn't have had a pay structure that would  
23 allow him to be paid \$1 million to close the WAN  
24 optimization deal unless they weren't relying on that  
25 expertise to bring them that deal.

1           I think it would be easy to make the mistake  
2 that because Mr. McMeans had the title of general  
3 manager at ThunderCat, that he was pulling all of the  
4 strings and knew everything that was going on at  
5 ThunderCat. But that's not true. The Court  
6 understands that that's not how complex businesses  
7 work. The government has conceded that Mr. McMeans'  
8 level of involvement in producing these bids and  
9 submitting to the bids was less than others involved in  
10 the conspiracy.

11           Mr. McMeans' duties at ThunderCat were really  
12 sort of twofold. He was responsible for managing the  
13 daily requirements that are inherent in all businesses,  
14 the sort of keep-the-lights-on aspects of the business,  
15 payroll, finance, banking, that sort of thing. And  
16 then he was the individual who was charged with  
17 obtaining for the company partnerships and registration  
18 deals in the private sector with the larger vendors who  
19 would want to use ThunderCat to access set-aside  
20 contracts and sell their products through ThunderCat,  
21 the reseller.

22           He wasn't on the other end of the pipeline,  
23 if you will, doing the day-to-day work for the  
24 government contracts and bidding. That wasn't his job.  
25 His job was to get the registration deals with the



1 partnerships.

2           But I want to be clear on this, Your Honor.  
3 In that role, Mr. McMeans did gradually come to  
4 understand the scope and the true nature of these loser  
5 bids that were being submitted to the government. We  
6 don't deny that at all. Initially, he rationalized  
7 that these bids were okay because the government,  
8 through the price registration programs that the  
9 vendors had set up with ThunderCat, was getting the  
10 best market price available. I think the evidence  
11 does -- I think it establishes that, that they always  
12 got below government cost estimate on these deals. So  
13 he may well have been correct in that rationalization  
14 about the lack of a loss to the government.

15           I know in the prior cases there was a good  
16 bit of argument about gain for loss and whether or not  
17 a loss could be established. We've accepted that, for  
18 purposes of calculating the guidelines, that's the  
19 correct methodology.

20           Here's the key point: Once Mr. McMeans  
21 learned the true nature of these loser bids, that they  
22 were basically just forgeries, that no due diligence  
23 was being done to produce them, he had an obligation to  
24 stop them, and he didn't. He failed. He allowed them  
25 to continue. He allowed his company and himself to

1 profit from it. It's a mistake he regrets, and he's  
2 going to regret it for the rest of his life.

3           He's accepted responsibility for it. He's  
4 held himself accountable. He's already begun taking  
5 tremendous steps to try to atone for this mistake.  
6 After the search warrants were executed, which was back  
7 in mid-2012, I believe, he spent an extensive amount of  
8 time working at ThunderCat with legal experts who had  
9 expertise in compliance to implement at ThunderCat  
10 procedures to ensure that this would never happen  
11 again. He didn't want this to ever happen again, and  
12 he played a key role in making sure that was the case.

13           When it became clear he was going to be held  
14 criminally liable, he didn't try to hide it. He told  
15 his family. He told his friends. He told his  
16 coworkers what was happening, and he left ThunderCat.  
17 He left the company that he had worked so hard to build  
18 up. It was very hard on him. But it was the right  
19 thing to do in the face of this grave mistake that he  
20 had made, and he did it.

21           Your Honor, I think if there's one point that  
22 I can make with the Court today, I hope it's this:  
23 That Keith McMeans is someone who has always strived to  
24 do the right thing. Now, he failed in this instance.  
25 He failed at ThunderCat, and that's why he's here. But

1 by being here today, he is doing the right thing. He's  
2 accepted responsibility. He's ready to be held  
3 accountable.

4 And, Your Honor, as you can see from all of  
5 the really -- some of them are really beautiful letters  
6 that were submitted to the Court from his family and  
7 his friends. He's an individual that has the personal  
8 character and he's got the support in the community to  
9 handle the consequences of his conduct in this case, to  
10 pay his debt to society, put it behind him, and then  
11 continue doing the right productive things that he's  
12 always done.

13 He's someone who has always been extremely  
14 supportive of his family. He's been active in his  
15 community through coaching and through some really  
16 extraordinary acts of charity to help other people who  
17 aren't as fortunate as him.

18 He understands his crime. He's accepted it.  
19 He's really -- he's devastated by it. And as I said,  
20 he's ready to atone for it and to put it behind him and  
21 return to a positive, productive life that he's always  
22 led.

23 Your Honor, I would ask the Court to accept  
24 the parties' joint recommendations in this case and not  
25 to impose more than the 8-month sentence. I think

1 under the analysis of the factors in Section 3553 that  
2 is a fair and just and sufficient sentence in this  
3 case.

4           Your Honor, Mr. McMeans has today the  
5 forfeiture check to pay the forfeiture amount in full.  
6 I would argue to the Court that given that fact, no  
7 fine is necessary in this case. That forfeiture  
8 addresses any concerns that a fine would address.

9           Your Honor, I'd ask the Court to recommend  
10 that Mr. McMeans serve any sentence of incarceration at  
11 the federal facility in Morgantown, West Virginia. I  
12 would ask -- and I don't believe the government has any  
13 objection to this, and this was done in all of the  
14 other coconspirators' cases -- that he be continued on  
15 bond until he's ordered by the Bureau of Prisons to  
16 report to serve any sentence.

17           Thank you.

18           THE COURT: Thank you, Mr. Hundley.

19           Mr. McMeans, you have the opportunity to  
20 address the Court before it imposes sentence if you'd  
21 like to say anything, sir.

22           THE DEFENDANT: Yes. First, Your Honor,  
23 thank you for giving me the opportunity to speak. I'll  
24 keep my comments brief, but please know that this has  
25 been a long, painful, and confusing process.

1           First, I'd like to apologize to you, to the  
2 Court, and to the justice system for ever having to  
3 look at me and at this case. It never should have  
4 happened. There were some lack of judgments and  
5 mistakes made by me.

6           On top of that, I would like to thank my  
7 family and friends for being here today. My friends  
8 have been incredibly supportive of me throughout this  
9 process. They've given me -- whether it's a shoulder  
10 to cry on or talk to or just a way to have fun.

11           And then specifically my family. This has  
12 been almost three years, and I know it's been really  
13 tough, especially on my boys and my wife. But I know  
14 that God will grant us a brighter day. That's what  
15 we'll wait for.

16           Judge Trenga, I made some mistakes, and I've  
17 grown to realize that those mistakes are undeniable,  
18 not malicious but undeniable. I've come to realize the  
19 gravity of those mistakes, and I don't believe that  
20 anything like this will ever happen again from me.

21           So with that said, I understand that I will  
22 be punished. I'm at peace and accepting of whatever  
23 you see fit.

24           THE COURT: All right.

25           THE DEFENDANT: Thank you.

1 THE COURT: If you'll have a seat, sir.

2 This case is before the Court for sentencing  
3 in the case of *United States v. Edwin Keith McMeans*  
4 with respect to his conviction for conspiracy to commit  
5 wire fraud and major government fraud, in violation of  
6 Title 18, United States Code, Section 371, which is a  
7 Class D felony punishable by a term of up to 5 years in  
8 prison, a fine of up to \$250,000 or twice the gross  
9 gain or loss, full restitution, a \$100 special  
10 assessment, and up to 3 years of supervised release.

11 This 47-year-old defendant was involved in a  
12 procurement fraud scheme. On September 9, 2015, he  
13 waived indictment and, pursuant to a plea agreement,  
14 entered a plea of guilty to a one-count criminal  
15 information. He was released on personal recognizance  
16 bond pending sentencing with conditions, which he has  
17 fully complied with.

18 The Court has reviewed the guideline sentence  
19 as it applies to this defendant and this offense. In  
20 that regard, the base level is 6 appropriately  
21 increased by 18 levels to reflect a loss amount using a  
22 gain as proxy of more than \$3.5 million. It's also  
23 appropriately increased by 3 levels because the  
24 defendant was a manager or supervisor of the criminal  
25 activity involving five or more participants resulting

1 in a base offense level of 27. The defendant has  
2 accepted responsibility and, therefore, is entitled to  
3 a 2-level reduction. The government has also moved for  
4 an additional 1 level based on that acceptance, which  
5 the Court grants, resulting in an overall offense level  
6 of 24.

7 This is essentially the defendant's first  
8 offense. He is, therefore, in a criminal history I.  
9 The guideline sentence for his offense level and  
10 criminal history category is 51 to 60 months.  
11 Probation is authorized under the statute but not the  
12 guidelines. Supervised release is recommended of 1 to  
13 3 years with a fine of \$10,000 up to \$11 million with a  
14 special assessment of \$100.

15 The Court has reviewed the presentence report  
16 and the extensive information it's received together  
17 with the many letters from family and friends  
18 concerning Mr. McMeans.

19 As to the nature and seriousness of this  
20 offense, the Court has placed on the record the nature  
21 of the scheme involved in this conspiracy in connection  
22 with the sentencings of others involved, including  
23 Anthony Bilby, Thomas Flynn, Miguel Rivera, and  
24 Chancellor Ellis, and those portions of the transcript  
25 pertaining to those sentencings is incorporated into

1 this hearing by reference. The Court is not going to  
2 repeat what was laid out at length concerning the  
3 details of the procurement scheme that this defendant  
4 was involved in.

5 By way of brief summary, the defendant was a  
6 principal and co-owner of two government contracting  
7 companies, known as Companies K and T, which provided  
8 to the government information technology services and  
9 products. Both companies were self-certified  
10 Service-Disabled Veteran-Owned Small Businesses that  
11 enjoyed certain advantages and preferential treatment  
12 on certain government procurements, which nevertheless  
13 were required to be based on multiple competing bids.

14 Both companies in that capacity presented  
15 bids for contracts to the federal government in which  
16 the companies provided a Certificate of Independent  
17 Pricing which represented that the offered prices had  
18 been arrived at independently for the purposes of  
19 restricting any competition, any consultation,  
20 communication, or agreement with any other offeror or  
21 competitor pertaining to prices or the intention to  
22 submit an offer or the method or factors used to  
23 calculate prices offered.

24 As a general manager of Company T, this  
25 defendant authorized those certificates of independent



1 price determination to be submitted to the government  
2 on behalf of that company.

3           Beginning in approximately March 2007 and  
4 continuing until approximately November 2012, this  
5 defendant conspired with others to obtain federal  
6 government contracts through false pretenses and  
7 representations. Specifically, this defendant engaged  
8 in a number of unlawful procurement practices,  
9 including first engaging in what is known as loser bid  
10 or courtesy bid practices whereby this defendant  
11 submitted and allowed employees of Companies K and T to  
12 submit fraudulent bids provided to Company T by nominal  
13 competitors, such as Company F, that were higher than  
14 the bids submitted by Company T in order to create the  
15 illusion of competition.

16           Secondly, he caused Company T to make  
17 unlawful payments, including a \$359,000 kickback on one  
18 contract to persons who were working within the  
19 government and who were in a position to influence the  
20 award of contracts by allowing a Company K and T  
21 employee, namely Anthony Bilby, to draft portions of  
22 internal government procurement documents relating to  
23 contracts that the Companies K and T intended to bid  
24 on. Those activities clearly increased the likelihood  
25 of winning those contracts without any actual

1 competition.

2           Through this fraudulent conduct and  
3 participation in the conspiracy, Companies K and T  
4 obtained at least \$43 million in contracts with the  
5 federal government, including one particular contract  
6 of approximately \$24 million, known as the Wide Area  
7 Network or WAN optimization contract, on which  
8 Companies T and K made at least \$5.2 million in  
9 profits. Company F obtained a total of approximately  
10 \$4.7 million in federal contracts on which it realized  
11 approximately a profit of \$500,000. This particular  
12 defendant realized under those contracts directly  
13 approximately \$320,000.

14           The Court has considered other aspects of the  
15 procurements at issue in this scheme, including the  
16 nature of the procurement process, the effect on the  
17 procurement process of registered resellers, the  
18 government's long-standing interest in its solicitation  
19 of Company T's participation, and the use of its  
20 technology it could supply and what has been described  
21 as the government's long-standing commitment to that  
22 technology independent of any wrongdoing.

23           While it may be the case that even in the  
24 absence of wrongdoing, the contracts would have been  
25 awarded as they were, the technology that Company T

1 offered was just one of several technologies that were  
2 being tested and considered. Company T was involved in  
3 activities that improperly steered the company to  
4 Company T, including providing the technical  
5 specifications, providing market research that would  
6 justify a set-aside and effectively making Company T  
7 the only real bidder, and also providing criticisms of  
8 competing technologies to the technical representatives  
9 to use to advance his company's technology while the  
10 technical representative was soliciting and receiving  
11 financial benefits from the company.

12           In short, this defendant played a leadership  
13 role in facilitating conduct that fundamentally  
14 corrupted the federal procurement process, and in  
15 effect, through his and others efforts, including the  
16 use of inside information, ghostwriting, and bribery,  
17 Company T was able to substantially corrupt the  
18 procurement process itself. It's impossible to  
19 attribute these contract awards to anything other than  
20 the corruption of the process that occurred.

21           Against this background, the Court has  
22 reviewed the guideline sentence and the extent to which  
23 the guideline sentence appropriately reflects the  
24 sentencing objectives. In that regard, the Court has  
25 considered, among other factors, the noneconomic impact

1 on the government, this defendant's specific role in  
2 the conspiracy relative to others, the benefits he  
3 derived from his involvement, his overall degree of  
4 criminal culpability, and the public interest.

5           As I mentioned earlier, the guideline  
6 sentence is driven by a loss calculation that is based  
7 on a gain that has, in this case, no demonstrable  
8 relationship to any actual loss that the government has  
9 sustained. For these reasons, the Court is forced to  
10 assess, based on other factors, the extent to which  
11 this defendant's conduct has, in fact, imposed the kind  
12 of tangible and intangible harm that would justify a  
13 guideline sentence at the range calculated by the  
14 guidelines based on gain.

15           For that purpose, the Court has considered  
16 the defendant's conduct in comparison to the conduct in  
17 other fraud cases that have resulted in similar  
18 guideline sentences based on actual or intended losses  
19 associated with a defendant's conduct.

20           As the Court observed in connection with the  
21 sentencings involved with other defendants in this  
22 conspiracy, this crime does not involve the kind of  
23 substantial outright theft or fraudulent inducement  
24 that is often associated with the guideline sentence in  
25 this case. Rather, as everyone seems to agree, this

1 crime is what we've been referring to as a process  
2 crime. But that label should not imply a nonserious  
3 offense. It requires that its seriousness be evaluated  
4 based on a variety of factors, which includes not only  
5 the extent to which the procurement process was  
6 compromised and corrupted, but also the extent to which  
7 that compromised process resulted in other harm, such  
8 as inferior products or services or price gouging.

9           In that regard, there is no contention or  
10 evidence that the government did not receive what it  
11 contracted for, that its overall pricing, while perhaps  
12 affected by the fraud, was commercially unreasonable  
13 for the products and services delivered or greater than  
14 what the government itself had determined was a fair  
15 price. Nor is this a case where the defendant thought  
16 that the products and services provided were defective  
17 or inferior in some way.

18           It also does not involve a defendant who  
19 initially organized the fraud, but rather one who upon  
20 discovering the fraud essentially lost his moral  
21 compass and pursued the financial advantages that the  
22 fraud offered.

23           The Court has also considered the defendant's  
24 personal history and characteristics. In that regard,  
25 the defendant is married with two children and has what

1 appears to be an exceptionally supportive and extended  
2 family. There's no history of any substance abuse or  
3 mental health issues, no violence or any evidence of  
4 intimidation in this case. I've reviewed the many  
5 letters from family and friends and colleagues who  
6 speak to the defendant's good qualities and the  
7 contributions that he's made to their lives and the  
8 community.

9           This is the defendant's first real  
10 involvement in the criminal justice system. By all  
11 accounts, but for this offense he has lived a  
12 law-abiding, purposeful, and contributing life.

13           Against this background, the Court has  
14 considered the public interest, essentially and  
15 particularly the need for general, as well as specific  
16 deterrence, and the respect for law, particularly  
17 whereas here the fraudulent conduct extended over a  
18 substantial period of time. The kinds of conduct  
19 represented by defendant's scheme not only undermined  
20 the public confidence in the government procurements  
21 but also lead to what was in effect the bribery of  
22 government employees and others in a position to  
23 influence the award of the contract and those person's  
24 breach of the public trust placed in them.

25           Nevertheless, the Court has considered also

1 the public interest in fashioning a sentence that would  
2 allow this essentially first-time offender to return to  
3 the community and his family within a reasonable period  
4 of time, which the Court believes is possible, in order  
5 to resume a productive and law-abiding life.

6           The risk of recidivism appears low, and for  
7 that purpose, the Court has considered the extent to  
8 which alternative sentences, such as supervised  
9 release, can adequately satisfy the sentencing  
10 objectives.

11           The Court has also considered in detail the  
12 need to avoid unwarranted sentencing disparities, and  
13 the Court has considered sentences issued in this court  
14 in procurement fraud cases and specifically to the  
15 other defendants and the extent to which those  
16 sentences were affected by factors not present with  
17 respect to this defendant.

18           The Court has given substantial consideration  
19 to the government's recommendation as a joint  
20 recommendation and the judgments that are embedded in  
21 it.

22           Finally, the Court has considered this  
23 defendant's acceptance of responsibility.

24           The Court is in a position to impose sentence  
25 at this time.

1           Mr. McMeans, would you come to the podium,  
2 please.

3           Mr. McMeans, it will be the sentence of this  
4 Court that you be committed to the Bureau of Prisons  
5 for a period of 8 months, following which you'll be  
6 placed on supervised release for a period of 1 year  
7 with the standard terms and conditions.

8           The Court is also going to impose a fine in  
9 the amount of \$10,000, which will be due and payable  
10 immediately. To the extent not payable in full, upon  
11 your release from prison, it will be paid on a monthly  
12 basis in equal monthly amounts of not less than \$1,000  
13 until paid. All moneys received from any tax refunds,  
14 lottery winnings, or other anticipated or unexpected  
15 financial gains will be used towards the payment of  
16 that fine.

17           The Court will impose a \$100 special  
18 assessment due and payable immediately as well.

19           The Court will recommend also to the Bureau  
20 of Prisons that, if available and appropriate, you be  
21 placed at the Morgantown facility.

22           The Court will allow you to voluntarily  
23 surrender at a time and place to be provided to you  
24 through Pretrial Services and Probation under whose  
25 supervision you will remain until you report to the



1 Bureau of Prisons.

2 That will be the sentence of the Court.

3 Is there anything further?

4 MR. STOJILKOVIC: Your Honor, the forfeiture  
5 order.

6 THE COURT: Yes. The Court has signed the  
7 forfeiture order.

8 All right. Anything further?

9 MR. STOJILKOVIC: No, Your Honor.

10 MR. HUNDLEY: No, Your Honor. Thank you.

11 THE COURT: All right. Counsel and the  
12 defendant are excused.

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Time: 9:41 a.m.

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22 I certify that the foregoing is a true and  
23 accurate transcription of my stenographic notes.

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25

/s/  
Rhonda F. Montgomery, CCR, RPR